

PATENT COOPERATION TREATY

TRANSLATION

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

Date of mailing **See form PCT/ISA/210**
(day/month/year)

Applicant's or agent's file reference
18267.2-P936-31-ne

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2005/000161

International filing date (day/month/year)
11.01.2005

Priority date (day/month/year)
24.01.2004

International Patent Classification (IPC) or both national classification and IPC
B21D7/08

Applicant
PALIMA W. LUDWIG & CO.

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	2-21	YES
	Claims	1	NO
Inventive step (IS)	Claims	3-21	YES
	Claims	1, 2	NO
Industrial applicability (IA)	Claims	1-21	YES
	Claims	none	NO
2. Citations and explanations:			
<p>1 Reference is made to the following documents:</p> <p style="margin-left: 40px;">D1: DE 199 56 796 A1 (PALIMA W. LUDWIG & CO., SARNEN) 13 June 2001</p> <p style="margin-left: 40px;">D2: GB 624 169 A (SOCIETE NATIONALE DE CONSTRUCTIONS AERONAUTIQUES DU SUD-EST) 30 May 1949</p> <p>2 INDEPENDENT CLAIM 1</p> <p style="margin-left: 40px;">The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2). Document D1 discloses (the references between parentheses refer to this document):</p> <p style="margin-left: 40px;">a bending device for the bending of closed, half-open and open hollow sections (1), having a central roller (4a, 4b) resting against the inner side of the bent section, a milling roller (4b, 4a) resting against the outer side of the bend, and a bending roller (5a, 5b, 5c, 5d) which is arranged on the discharge side of the section and which acts on the outer side of the bend, to be precise against the</p>			

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supporting effect of a supporting roller (3a, 3b) bearing at the feeding side against the outer side of the bend, further milling rollers (4c, 4d) which act on the top and the bottom side wall of the section being arranged in a plane perpendicular to the bending plane with respect to the opposite central and milling rollers (4a, 4b) (see D1, column 8, line 4 to column 10, line 34).

3 DEPENDENT CLAIM 2

Dependent claim 2 does not contain any features which, in combination with the features of any claim to which it refers, meet the PCT requirements for inventive step. The reasons are as follows:
Document D2 discloses a bending device for the bending of half-open and open hollow sections, having milling rollers which act on the side walls and are designed as pendulum milling rollers, for the same purpose as in D1, namely the control of the thickness during the bending operation (see D2, page 3, line 93 to page 4, line 83).

4 DEPENDENT CLAIM 3

The combination of features contained in the dependent claim is neither known from nor suggested by the available prior art. The subject matter of claim 3 therefore meets the requirements of PCT Article 33(1).

However, claim 3 does not meet the requirements of

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	<p>PCT Article 6 because the subject matter for which protection is sought is not clearly defined. The claim attempts to define the subject matter in terms of the result to be achieved, but in doing so merely states the problem to be solved, without offering the technical features necessary for achieving this result. It is not clear how the material flows are deflected.</p>
5	<p>DEPENDENT CLAIMS 4-17</p> <p>Claims 4 to 17, if they are dependent on claim 3, therefore likewise meet the PCT requirements for novelty and inventive step.</p>
6	<p>INDEPENDENT CLAIM 18</p> <p>The combination of features contained in the dependent claim is neither known from nor suggested by the available prior art. The prior art gives no indication as to how the material flows can be deflected via the side walls into the end wall. The subject matter of claim 18 therefore meets the requirements of PCT Article 33(1).</p> <p>However, claim 18 does not meet the requirements of PCT Article 6 because the subject matter for which protection is sought is not clearly defined. The claim attempts to define the subject matter in terms of the result to be achieved, but in doing so merely states the problem to be solved, without offering the technical features necessary for achieving this</p>

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result. It is not clear how the material flows are deflected.

7 DEPENDENT CLAIMS 19 TO 21

Claims 19 to 21 are dependent on claim 18 and thus likewise meet the PCT requirements for novelty and inventive step.

However, claims 19 to 21 do not meet the requirements of PCT Article 6 because the subject matter for which protection is sought is not clearly defined. The claims attempt to define the subject matter in terms of the result to be achieved, but in doing so merely state the problem to be solved, without offering the technical features necessary for achieving this result.

8 Contrary to PCT Rule 5.1(a)(ii), the description does not cite documents D1 and D2 or indicate the relevant prior art disclosed therein.